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By ECF

BROOKLYN OFFICE

The Honorable Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
New York, New York 11201

Re: Commodity Futures Trading Commission v. Patrick K. McDonnell and
CabbageTech, Corp. d/b/a Coin Drop Markets, No. 18-CV-00361 (JBW)(RLM)

Dear Judge Weinstein:

Thank you for granting Monex Credit Company and Monex Deposit Company's request for leave to file an *amicus* brief regarding the scope of the CFTC's jurisdiction under Commodity Exchange Act ("CEA") § 6(c)(1). (ECF Nos. 134, 150.) As of now, however, we are reluctantly constrained to agree with the CFTC's observation that your July 12, 2018 Order (filed July 16, 2018) denying Defendants' motion for reconsideration of the Court's March 6, 2018 Order regarding the scope of CEA § 6(c)(1) mooted our *amicus* request. As there is no pending motion for which to direct our proposed *amicus* brief, we do not want to waste *amici*'s and the Court's resources filing a mooted brief. If the CFTC and *amici* have incorrectly read the substance and mooted effect of your July 12 Order, we would appreciate your clarification.

*The court welcomes
filing of the amicus brief, if
the attorney wishes to file
it. S. ordered
Jud. B. Weinstein
7/24/18*

Respectfully submitted,

Neil A. Goteiner
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NAG:ead
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cc: Patrick K. McDonnell

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